

United States

Circuit Court of Appeals

For the Ninth Circuit.

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GIN SOON GING,

Appellant,

vs.

WILLIAM A. CARMICHAEL, District Director  
of Immigration and Naturalization Service,  
Appellee.

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Transcript of Record

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Upon Appeal from the District Court of the  
United States for the Southern District  
of California, Central Division.

FILED

JUN - 3 1941

PAUL P. O'BRIEN,  
CLERK



No. 9826

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United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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GIN SOON GING,

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

For Appellant:

YOU CHUNG HONG, Esq.,  
445 Ginling Way,  
Los Angeles, California.

For Appellee:

WILLIAM FLEET PALMER, Esq.,  
United States Attorney,  
ATTILIO DI GIROLAMO, Esq.,  
Assistant United States Attorney,  
600 Post Office and Court House Building,  
Los Angeles, California. [1\*]

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\*Page numbering appearing at foot of page of original certified Transcript of Record.

In the United States District Court in and for the  
Southern District of California  
Central Division

No. 14531 M

In the Matter of the Application of  
GIN SOON GING  
For a Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS

To the Honorable Judge in the above-entitled  
Court, Your Petitioner, Gin Ting, Respectfully  
States:

I.

That he was born in the United States and that under the Constitution thereof, he is a citizen of the United States; that as evidence of his said American citizenship, he holds United States Citizen's Certificate of Identity No. 5888 issued to him by the Commissioner of Immigration and Naturalization at San Francisco, California, on November 7, 1911; and that he has never expatriated himself as such a citizen;

II.

That he has a son by the name of Gin Soon Ging born to him and his wife in China on May 25, 1926, and that under the provisions of Section 1993 of the Revised Statutes, the said Gin Soon Ging is also a citizen of the United States; and that on or about June 30, 1940, his said son came to the port



of San Pedro, California and applied to the Immigration and Naturalization Authorities thereof for admission so as to join the petitioner in this country;

### III.

That on July 9, 1940, a board of special inquiry was convened to hear the application of the aforesaid Gin Soon Ging for admission to the United States as a natural born citizen thereof; that your petitioner and his clansman Gin Wing Fun appeared [2] before the said board as witnesses in the applicant's behalf; that after hearing the testimony concerning the applicant's ancestors, parents, brothers, and other relatives, his family home, ancestral village and schooling in China, and many other collateral matters pertaining to the applicant's claimed relationship to your petitioner, the board of special inquiry denied the said application, not because of any inconsistencies in the testimony between your petitioner and the said Gin Soon Ging but because of certain discrepancies between your petitioner and his older son Gin Hong Goon in certain proceedings which took place in 1931 and 1937 to which the present applicant Gin Soon Ging was not a party;

### IV.

That the board of special inquiry upon receipt of an anonymous letter to the effect that the applicant was your petitioner's grandson instead of his son, reopened the hearing on July 23, 1940 in

order to question the parties hereto along the line of the information so anonymously received; and that at the conclusion of this supplementary hearing, the applicant was again excluded;

#### V.

That an appeal from the excluding decision by the board of special inquiry was forthwith taken to the Board of Review of the Attorney-General, but the appellate board on September 24th, 1940 dismissed the appeal and instructed the District Director of Immigration and Naturalization for the port of San Pedro, California to deport the said Gin Soon Ging on the first available steamer leaving for China; that unless this Honorable Court intervene, Gin Soon Ging will be promptly taken out of the United States; and that the aforesaid proceedings involved a question of citizenship and denial of a fair hearing to an American citizen, over which this Honorable Court has undisputed jurisdiction,—*Wong Hai Sing vs. Nagle*, C. C. A. 9, 49 Fed. (2d) 1016; and,

#### VI.

That the evidence adduced before the Immigration Authorities [3] established to a reasonable certainty that the applicant Gin Soon Ging is the son of your petitioner in that there was not a single discrepancy in the testimony concerning the applicant's family history, relatives, home life, ancestral

village, and schooling, the movements of various members of applicant's father's family, important events as well as collateral matters which were commonly known to members of this family; that it was arbitrary and unfair for the Immigration Authorities to exclude the applicant where the evidence submitted has so conclusively established the relationship of father and son between your petitioner and the said Gin Soon Ging—*Jue Yim Ton vs. Nagle*, C. C. A. 9, 48 Fed. (2d) 752; that the immigration tribunals may ascertain facts in any reasonable and fair way they see fit, but they cannot reject sworn, consistent, unimpeached and uncontradicted testimony without real reason which fair-minded persons would regard as adequate—*Ward vs. Flynn ex rel Yee Gim Lung*, 74 Fed. (2d) 145; that the discrepancies developed in the hearings of Gin Hong Goon in 1931 and 1937 to which the present applicant Gin Soon Ging was not a party, utilized by the Immigration Authorities to exclude the applicant conclusively showed unfairness and prejudice—*Flynn ex rel Chin King vs. Tillinghast*, 32 Fed. (2d) 359; *Ex parte Ng Bin Fon*, 20 Fed. (2d) 1014; and *U. S. ex rel Fong Lung Sing vs. Day*, 29 Fed. (2d) 619; and, that it was unfair and a violation of the due process of law for the Immigration Authorities to base an excluding decision on mere suspicion brought about by an anonymous letter—*Wong Gook Chun vs. Proctor*, C. C. A. 9, 84 Fed. (2d) 763.

## VII.

Your petitioner further states that the said Gin Soon Ging has been since July 9th, 1940 and is now being held in detention at the Immigration Station at San Pedro, California in the custody of [4] William A. Carmichael, District Director of Immigration and Naturalization, for which reason, the said Gin Soon Ging is unable to verify this petition, so your petitioner as his father therefore verifies this petition in his behalf.

Wherefore your petitioner prays that a writ of habeas corpus be issued and directed to the aforesaid District Director of Immigration and Naturalization as respondent herein, commanding him to hold the body of the said Gin Soon Ging within the jurisdiction of this Honorable Court and to present the said body before this Court at a time and place to be specified in the said order, together with the time and cause of his detention, so that the same may be inquired into to the end that the said Gin Soon Ging may be restored to his liberty and go hence without day.

Dated at Los Angeles, California, this 25th day of September, 1940.

Y. C. HONG,

Attorney for Petitioner.

State of California,  
County of Los Angeles—ss.

Gin Ting, being duly sworn, deposes and states: That he is the petitioner named in the foregoing petition; that the same has been read and explained to him and that he knows the contents thereof which is true of his own knowledge except those matters which are therein stated on information and belief, and as to such matters, he believes the same to be true.

GIN TING,

Petitioner.

Subscribed and Sworn to before me this 25th day of September, 1940.

[Seal]            Y. C. HONG,

Notary Public.

Los Angeles, California

September ....., 1940. [5]

Let the writ issue as prayed for returnable before United States District Judge Paul J. McCormick on the 7th day of October 1940 at 2 o'clock in the afternoon.

PAUL J. McCORMICK,

United States District Judge.

Dated Sept. 25, 1940 at 2:10 P. M.

[Endorsed]: Filed Sep. 25, 1940. R. S. Zimmerman, Clerk. By P. D. Hooser, Deputy. [6]

United States District Court  
 Central Division, Southern District of California  
 [Title of Cause.]

HABEAS CORPUS

The President of the United States of America  
 To William A. Carmichael, District Director of  
 Immigration and Naturalization, Los Angeles,  
 California—Greeting:

You Are Hereby Commanded, that the body of  
 Gin Soon Ging, by you restrained of his liberty,  
 as it is said detained by whatsoever names the said  
 Gin Soon Ging may be detained, together with the  
 day and cause of being taken and detained, you  
 have before the Honorable Paul J. McCormick,  
 Judge of the United States District Court in and  
 for the Southern District of California, at the court  
 room of said Court, in the City of Los Angeles at  
 2:00 o'clock p. m., on the 7th day of October, 1940,  
 then and there to do, submit to and receive what-  
 soever the said Judge shall then and there consider  
 in that behalf; and have you then and there this  
 writ.

Witness the Honorable Paul J. McCormick,  
 United States District Judge at Los Angeles, Cali-  
 fornia, this 25th day of September, A. D. 1940,

[Seal]

R. S. ZIMMERMAN,

Clerk.

By GEO. E. RUPERICH,

Deputy Clerk.

[Endorsed]: Filed Oct. 7, 1940. R. S. Zimmer-  
 man, Clerk. By B. B. Hansen, Deputy Clerk. [7]

[Title of District Court and Cause.]

RETURN TO WRIT OF HABEAS CORPUS

I, William A. Carmichael, District Director of U. S. Immigration and Naturalization Service, Los Angeles, California District No. 20, Respondent herein, for my Return to Writ of Habeas Corpus issued herein and in compliance with the said Writ of Habeas Corpus, now produce the body of Gin Soon Ging on this 7th day of October, 1940 before this Honorable Court, and for my Return to said Writ deny that I am unlawfully imprisoning and detaining and confining and restraining the liberty of the aforesaid Gin Soon Ging.

For further Return to said Writ, Respondent admits that the said Gin Soon Ging arrived from China at the Port of San Pedro, California the 30th day of June, 1940 on the SS "President Cleveland" and made application for admission into the United States, and certifies that the true cause of said Gin Soon Ging's detention is the finding and order of a duly and regularly constituted Board of Special Inquiry denying him admission into the United States made July 9, 1940, and the order of the Department of Justice, Washington, D. C., made on or about September 24, 1940 confirming the decision of the said Board of Special Inquiry and ordering the return of said Gin Soon Ging to the country whence he came; that Respondent was preparing to return the said Gin Soon Ging to

the country whence he came when this Writ of Habeas Corpus was issued.

For further Return, Respondent makes a part hereof Department of Justice File No. 56040/574, duly certified, containing transcript of the testimony and summary and findings of the Board of Special Inquiry, San Pedro, California and summary and findings of the Board of Immigration Appeals, Washington, D. C.; also certain [8] U. S. Immigration and Naturalization Service records, identified by file numbers: 10508/10558, 25882/4-4, 30348/4-13, 37221/7-27 (San Francisco, California); 7032/2754 (Seattle, Washington); 31160/503 (San Diego, California); 1521/506, 1521/310, 1522/18 (Tucson, Arizona); Exhibits "A" and "B", and a group photograph.

Respectfully submitted,

WILLIAM A. CARMICHAEL,

District Director of U. S. Immigration and Naturalization Service, Los Angeles, California,  
District No. 20, Respondent.

[Endorsed]: Filed Oct. 7, 1940. R. S. Zimmerman, Clerk. By B. B. Hansen, Deputy Clerk. [9]



[Title of District Court and Cause.]

TRAVERSE TO RETURN

To the Honorable United States District Judge,  
now presiding in the United States District  
Court, in and for the Southern District of Cali-  
fornia, Central Division,

Your Petitioner by way of traverse to the Re-  
spondent's Return herein respectfully alleges:

I

That he realleges and incorporates herein each  
and every allegation contained in his Petition veri-  
fied the 25th day of September, 1940; and

II

That the denial contained in the said Return is  
only a conclusion of law and does not show facts  
sufficient to warrant the restraint, detention, and  
contemplated deportation of the said Gin Soon Ging  
by the Respondent;

Wherefore, it is respectfully submitted that the  
Writ should be sustained and Gin Soon Ging be  
discharged from the custody of the Respondent.

Dated at Los Angeles, California, this 10th day  
of October, 1940.

Y. C. HONG

Attorney for Petitioner. [10]

United States of America  
 State of California  
 County of Los Angeles—ss.

Gin Ting, Being Duly Sworn, Deposes and States that he is the petitioner in the foregoing traverse; that same has been read and explained to him and that he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters, he believes it to be true.

GIN TING

Petitioner.

Subscribed and Sworn to Before Me This 10th day of October, 1940.

[Seal]

Y. C. HONG

Notary Public, Los Angeles County

[Endorsed]: Filed Oct. 10, 1940. [11]

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At a stated term, to wit: The February Term, A. D. 1941 of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles on Wednesday the 2nd day of April in the year of our Lord one thousand nine hundred and forty-one.

Present:

The Honorable: Campbell E. Beaumont, District  
Judge.

No. 14531-B Crim.

In the Matter of the Petition of

GIN SOON GING

for a Writ of Habeas Corpus

This matter having heretofore come before the  
Court and documentary evidence having been sub-  
mitted and counsel having submitted written briefs  
and the Court having fully considered the same and  
being fully advised as to the facts and the law, now  
denies petition for Writ of Habeas Corpus and dis-  
misses said Writ. [13]

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United States District Court  
Southern District of California  
Central Division

No. 14531-B

In the Matter of  
GIN SOON GING

MEMORANDUM AND ORDER

The writ challenges a denial of admission to the  
United States of Gin Soon Ging, a Chinese boy,  
who claims to be a son of a native United States  
citizen. The Board of Special Inquiry held that

the relationship had not been established, and upon appeal its decision was affirmed by the Board of Review.

After a study of the record herein the Court cannot say that the Board of Special Inquiry committed a manifest abuse of the power and discretion conferred upon it. In this case the evidence is such that reasonable men might differ as to its probative effect. It was the Board's duty to determine such effect, and it cannot be said that its decision, which represented the unanimous agreement of its members, was reached unfairly or arbitrarily. In such circumstances its decision will not be disturbed. *Lum Sha You v. United States* (C. C. A. 9th), 82 Fed. (2d) 83; *Quon Quon Poy v. Johnson*, 273 U. S. 352; *United States v. Ju Toy*, 198 U. S. 253; *Chin Yow v. United States*, 208 U. S. 8; *Chin Share Nging v. Nagle*, 27 Fed. (2d) 848; *Mui Sam Hun v. United States*, 78 Fed. (2d) 612.

Petition is denied and the writ discharged. April 1, 1941.

BEAUMONT, J.

[Endorsed]: Filed Apr. 10, 1941. [14]

[Title of District Court and Cause.]

NOTICE OF APPEAL

To the Clerk of the above-entitled Court, to William A. Carmichael, District Director of Immigration and Naturalization, and to William Fleet Palmer, Esq., United States Attorney, Attorney for Respondent:

You and each of you will please take notice that Gin Soon Ging, the applicant in the above-entitled matter, hereby appeals to the United States Circuit (*Court*) of Appeals for the Ninth Circuit, from the Order and Judgment rendered, made and entered herein on April 2, 1941, discharging the writ of habeas corpus.

April 11th, 1941, Los Angeles, California.

Y. C. HONG

Attorney for Petitioner

Received Copy of the Within Notice of Appeal this 11th day of April, 1941.

RUSSELL LAMBEAU,

By MMH

Received Copy of the Within Notice of Appeal this day of April, 1941.

A. DI GIROLAMO,

Asst. U. S. Atty.

Copy mailed to District Director 4/11/41, E. L. S.

[Endorsed]: Filed Apr. 11, 1941. [15]

[Title of District Court and Cause.]

STATEMENT OF POINTS ON WHICH APPELLANT INTENDS TO RELY AND DESIGNATION OF THE PARTS OF RECORD WHICH APPELLANT THINKS NECESSARY FOR THE CONSIDERATION THEREOF.

Comes now Gin Soon Ging, the Appellant in the above-entitled matter, respectfully stating that he intends to rely upon the following points on which the District Court erred, to-wit:

I

In holding that the Board of Special Inquiry at the port of San Pedro, California, did not commit a manifest abuse of the power and discretion conferred upon it, whereas the minutes of the administrative proceedings showed that the said Board's finding to the effect that the appellant was Gin Ting's inadmissible grandson was only based upon anonymous information instead of substantial evidence;

II

In holding that the hearing accorded by the Board of Special Inquiry at San Pedro, California, was not unfair and arbitrary whereas the record of the administrative proceedings showed that the said Board's dissatisfaction as to the appellant's claim of relationship to his alleged father, Gin Ting, was based solely upon certain discrepancies between his alleged father and alleged brother Gin Hong Goon developed in certain immigration proceedings had in 1931 and 1937 to which the present appellant was

not a party and on a matter which did not concern the appellant or his relationship to his alleged father Gin Ting;

### III

In failing to hold that the consistent and unimpeached testimony of the appellant and his alleged father, Gin Ting, and other uncontradicted [16] evidence of record submitted to the Board of Special Inquiry at San Pedro, California, had reasonably established his claimed relationship to his alleged father Gin Ting; and,

### IV

In dismissing the writ of habeas corpus after it was affirmatively shown that the Immigration Authorities had manifestly abused its power and discretion, and arbitrarily and unfairly denied to the appellant admission to his own country.

### V

Therefore, the appellant deems it necessary to, and does hereby request that all the original immigration files and records heretofore submitted as exhibits before the District Court be made exhibits before the Circuit Court of Appeals for the Ninth Circuit by filing the same with the Clerk of the said appellate court in accordance with the stipulations adopted on April 25, 1941, by and between the parties hereto.

Dated this 25th day of April, 1941, at Los Angeles, California.

Y. C. HONG

Attorney for Appellant

[Endorsed]: Filed Apr. 25, 1941. R. S. Zimmerman, Clerk. By P. D. Hooser, Deputy. [17]

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[Title of District Court and Cause.]

STIPULATION AND ORDER REGARDING  
ORIGINAL RECORDS AND FILES OF  
THE DEPARTMENT OF JUSTICE.

It is hereby stipulated and agreed by and between Y. C. Hong, Attorney for Appellant herein, and William Fleet Palmer, Attorney for the Appellee herein, that the original files and records of the Department of Justice covering the application of the above-named party, which were files in the hearings in the above-entitled cause, may be by the Clerk of this court sent to the Clerk of the Circuit Court of Appeals for the Ninth Circuit, as part of the appellate record, in order that the said original immigration files may be considered by the Circuit Court of Appeals for the Ninth Circuit in lieu of a certified copy of the said records and files, and that the same need not be printed.



Dated this 25th day of April, 1941, at Los Angeles, California.

Y. C. HONG

Attorney for Appellant

WM. FLEET PALMER

United States Attorney

By ATTILIO DI GIROLAMO

Asst. United States Attorney

Attorneys for Appellees

On this 25th day of Apr., 1941.

It is so ordered.

PAUL J. McCORMICK

United States District Judge [18]

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[Title of District Court and Cause.]

STIPULATION AND ORDER IN RE PRINTING OF TRANSCRIPT OF RECORD

It is hereby stipulated and agreed by and between the parties to the above-entitled cause, through their respective counsel, that the Clerk of the above-entitled Court, in preparing the printed transcript of record on appeal, may omit the heading of all papers filed except the citation, petition for writ of habeas corpus, and assignments of error, substituting in the place and stead thereof the phrase "Title of Court and Cause", and that the said Clerk may omit all backs of documents except the filing endorsements.

Dated this 25th day of April, 1941, at Los Angeles, California.

Y. C. HONG

Attorney for Appellant

WM. FLEET PALMER

United States Attorney

By ATTILIO DI GIROLAMO

Asst. United States Attorney

Attorneys for Appellee

It is so ordered.

Apr. 25th, 1941.

PAUL J. McCORMICK

United States District Judge

[Endorsed]: Filed Apr. 25, 1941. R. S. Zimmerman, Clerk. By P. D. Hooser, Deputy. [19]

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[Title of District Court and Cause.]

DESIGNATION OF RECORD ON APPEAL  
To the Clerk of the Said Court:

Please prepare and duly authenticate the transcript of the following portions of the record in the above-entitled case for appeal to the United States Circuit Court of Appeals for the Ninth Circuit;

1. Petition for Writ of Habeas Corpus and Order granting writ;
2. Writ of Habeas Corpus;
3. Return to writ of Habeas Corpus;
4. Traverse to Return;

5. Minute and Memorandum and Order of District Court discharging writ;
6. Notice of Appeal;
7. Cost Bond on Appeal;
8. Stipulation and Order Regarding Original Records and Files of the Department of Justice;
9. Stipulation and Order in re Printing of Transcript of Record;
10. Statement of Points on Which Appellant Intends to Rely and Designation of the Parts of Record Which Appellant Thinks Necessary for the Consideration Thereof.
11. Designation of Record on Appeal.

April 25, 1941.

Y. C. HONG

Attorney for Petitioner and Appellant.

Approved:

WM. A. CARMICHAEL H

District Director of Immigration

Respondent-Appellee.

WM. FLEET PALMER

United States Attorney

By ATTILIO DI GIROLAMO

Asst. United States Attorney

[Endorsed]: Filed Apr. 25, 1941. R. S. Zimmerman, Clerk, by P. D. Hooser, Deputy. [21]

[Title of District Court and Cause.]

COST BOND ON APPEAL

Know All Men by These Presents:

That the undersigned Fidelity and Deposit Company of Maryland is held and firmly bound unto the United States of America, in the full and just sum of Two Hundred and Fifty Dollars (\$250.00), to be paid to the United States of America, or their attorney, successors or assigns, to which payment, well and truly to be made, the undersigned binds himself, his heirs, executors and administrators, jointly and severally by these presents.

Sealed with his seal and dated this 25th day of April, 1941, at Los Angeles, California.

Whereas, lately in a habeas corpus proceeding in the United States District Court for the Southern District of California, Central Division, between the petitioner Gin Soon Ging and the respondent William A. Carmichael, District Director of Immigration and Naturalization with supervision over the port of San Pedro, California, as aforesaid, an order, judgment and decree was rendered by the said Court on the 1st day of April, 1941, against the said Gin Soon Ging, discharging the writ of habeas corpus and remanding the said petitioner to the custody of the respondent for deportation, and the said petitioner Gin Soon Ging thereupon on the 11th day of April, 1941, filed his notice of appeal with the Clerk of the said Court to have the United

States Circuit Court of Appeals for the Ninth Circuit, to review and reverse the said order, judgment and decree in the aforesaid habeas corpus proceeding.

Now, the condition of the above obligation is such that if the said Gin Soon Ging shall prosecute his appeal to effect and answer all costs if [23] he fails to make his plea good, then the above obligation to be void, else to remain in full force and virtue.

FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND  
By ROBERT HECHT  
Attorney in Fact

Attest:

[Seal] S. M. SMITH  
Agent

State of California,  
County of Los Angeles—ss.

On this 25th day of April, 1941, before me Theresa Fitzgibbons, a Notary Public, in and for the County and State aforesaid, duly commissioned and sworn, personally appeared Robert Hecht and S. M. Smith, known to me to be the persons whose names are subscribed to the foregoing instrument as the Attorney-in-Fact and Agent respectively of the Fidelity and Deposit Company of Maryland, and acknowledged to me that they subscribed the name of Fidelity and Deposit Company thereto as Prin-

Principal and their own names as Attorney-in-Fact and Agent, respectively.

[Seal]                      THERESA FITZGIBBONS

Notary Public in and for Los Angeles County, State of California.

My Commission Expires May 3, 1942.

[Endorsed]: Filed Apr. 28, 1941. [24]

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[Title of District Court and Cause.]

CERTIFICATE OF CLERK

I, R. S. Zimmerman, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 25 inclusive, contain full, true and correct copies of Petition for Writ of Habeas Corpus; Order for Writ; Writ of Habeas Corpus; Return to the Writ; Traverse to the Return; Minute of Decision; Memorandum and Order Discharging the Writ; Notice of Appeal; Statement of Points on Appeal; Stipulation and Order Re Original Immigration Records; Stipulation and Order Re Printing; Designation of Record on Appeal; and Cost Bond on Appeal, which together with the Original Records of the Immigration and Naturalization Service transmitted herewith constitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

I do further certify that the fees of the Clerk for comparing, correcting and certifying the foregoing record amount to \$4.70 and that the said amount has been paid to me by the Appellant.

Witness my hand and the seal of the District Court of the United States for the Southern District of California, this 16th day of May, A. D. 1941.

[Seal]

R. S. ZIMMERMAN,  
Clerk,  
By: EDMUND L. SMITH  
Deputy.

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[Endorsed]: No. 9826. United States Circuit Court of Appeals for the Ninth Circuit. Gin Soon Ging, Appellant, vs. William A. Carmichael, District Director of Immigration and Naturalization Service, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Southern District of California, Central Division.

Filed May 17, 1941.

PAUL P. O'BRIEN,  
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

In the United States Circuit Court of Appeals  
for the Ninth Circuit

No. 9826

GIN SOON GING,

Appellant,

vs.

WM. A. CARMICHAEL, District Director of Im-  
migration and Naturalization,

Appellee.

STATEMENT OF POINTS ON WHICH AP-  
PELLANT INTENDS TO RELY ON THE  
APPEAL AND DESIGNATION OF NECES-  
SARY PARTS OF RECORD FOR THE  
APPEAL.

#### STIPULATION

(Rule 19, Subdivision 6 of Circuit Court of  
Appeals in and for the Ninth Circuit.)

It is hereby stipulated by and between the par-  
ties hereto through their respective counsel pur-  
suant to Rule 19, Subdivision 6 of the Rules of the  
Circuit Court of Appeals in and for the Ninth Cir-  
cuit, that the Statement of Points and Designation  
of Parts of Record filed in the District Court on  
the 25th day of April, 1941, and each and every  
part thereof, shall be and is hereby designated as  
necessary for the consideration of the appeal herein.



Dated this 25th day of April, 1941, at Los Angeles, California.

Y. C. HONG

Attorney for the Appellant

WM. FLEET PALMER

United States Attorney

By ATTILIO DI GIROLAMO

Asst. United States Attorney

Attorneys for the Appellee

[Endorsed]: Filed May 17, 1941. Paul P. O'Brien,  
Clerk.

